

## **REMARKS**

This is in response to the Office Action dated March 8, 2010. In view of the above amendments and the following remarks, reconsideration of the rejection and further examination are requested.

For the Examiner's convenience, the arguments are presented in the order in which they appear in the Office Action.

### **Rejection under 35 U.S.C. §101:**

Claims 24-28 have been rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. After discussing the rejection with the Examiner, the Examiner indicated that this rejection is specifically directed to claims 25-28. This rejection is submitted to be inapplicable to the above claims, as amended, for the following reasons.

Claim 25 has been amended to positively recite that "the modification detection information generation unit is further operable to determine..." as suggested by the Examiner. In addition, claim 26 has been amended to recite that "the second license generation unit is further operable to generate...", claim 27 has been amended to recite that "the terminal device is operable to obtain...", and claim 28 has been amended to recite that "the format conversion unit is operable to obtain...and further operable to convert..." Therefore, claims 24-28 do not overlap two different statutory classes of invention. As a result, claims 24-28 are statutory subject matter under 35 U.S.C. §101.

### **Rejections under 35 U.S.C. §112:**

Claims 24-35 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed and submitted to be inapplicable to the claims, as amended, for the following reasons.

Claim 24 recites that the modification detection information generation unit is operable to send the generated digital signature to the relay server, depending on a condition of a transmission path to the terminal device. The Examiner has asserted that the "condition of the transmission path" is not described in the specification.

However, the specification clearly states in paragraph 133 that “in the case where the transmission path to the terminal device 120 that is the sending destination of the license is narrow” the license management server generates information for sending a license. Later in paragraph 174, the specification notes that the particular embodiment being discussed is used “in the case where the transmission band between the license management server 100 and the terminal device 120 is wide...” It is clear from these descriptions that the transmission path can have the “condition” of being narrower or wider. Likewise, the “condition” of being slower is discussed in paragraphs 17 and 18. This “condition” is further limited in claim 25, which is directed to a case where the frequency band is narrower than the frequency band predetermined by a characteristic of the transmission path or a case where the communication speed is slower than the communication speed predetermined by a characteristic of the transmission path. It is submitted that, based on the above description about what is meant by “condition”, claim 24 is in compliance with the written description requirement of 35 U.S.C. §112, first paragraph.

Claim 25 has been amended to clearly indicate that the modification detection information generation unit determines whether the frequency band is narrower or the communication speed is slower than a predetermined characteristic. This clarification is supported by the original disclosure because it can be inferred from the description “in the case where the modification detection information generation device determines that a frequency...” that the modification detection information generation device is what “determines”.

Claims 24, 29, 32, 34, and 35 have been amended to remove the references to “a malicious user”, as requested by the Examiner.

As discussed in detail above, claims 24-35 have been amended to replace the method limitations with system limitations. As a result, claims 24-35 do not encompass two distinct statutory classes of invention.

Based on the above discussion, claims 24-35 are in compliance with the written description requirement of 35 U.S.C. §112, first paragraph.

Claims 24-35 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. This rejection is submitted to be inapplicable to the above claims, as amended, for the following reasons.

Claim 25 has been amended to recite that the modification detection information generation unit is further operable to determine whether a frequency band is narrower or a communication speed is slower than a predetermined characteristic of the transmission path. In addition claim 25 has been amended to change “device” to “unit”, as suggested by the Examiner.

As discussed above, claims 24, 29, 32, 34, and 35 have been amended to remove the references to “a malicious user”, as requested by the Examiner.

The Examiner has asserted that the “transmission path” relates only to the transmission of a license, and not a digital signature. However, the claims do not limit the transmission path in this way. Claim 24 specifically recites that the modification detection generation unit is operable to send the generated digital signature to the relay server, depending on a condition of the transmission path. This necessarily implies that the digital signature is sent via the transmission path. It is unclear why the Examiner is limiting the use of “a transmission path” to only the transmission of a license.

Claim 24 has been amended to recite “a judgment unit operable to judge presence or absence of the modification of the first license using the digital signature for detecting a modification of the first license, whose format is converted from the second format into the first format by the format conversion unit.” This amendment clarifies that the second license is converted into the first format, thus generating the first license, so that the digital signature can be used to detect a modification of the first license.

Claims 26 and 31 have been amended to recite that the second license is generated “so that a data size of the second license is smaller than a data size of the first license”.

Claim 32 has been amended to recite “a second license sending unit...”

Based on the above discussion, claims 24-35 particularly point out and distinctly claim the subject matter which the applicant regards as the invention, and thus are in compliance with 35 U.S.C. §112, second paragraph.

#### **Rejection under 35 U.S.C. §103(a):**

Claims 24-35 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Ganesan (US Pub. 2002/0019814) in view of Nakahara (US Pub. 2003/0048907) and further in view of Sugahara (US Pub. 2002/0136428).

Claim 24 recites (i) a license management server including a specification information receiving unit operable to receive an input of format specification information that is an instruction for converting a format of a second license to the first format and a specification information sending unit operable to send the received format specification information to the relay server; (ii) a relay server including a second license generation unit operable to generate, in a second format, a second license, and further operable to add, to the generated second license, the format specification information received by the license management server; and (iii) a terminal including a format conversion unit operable to obtain the second license from the relay server and further operable to convert the format of the second license into the first format, according to the format specification information added to the second license.

The above features, as recited in claim 24, allow a license issuer to specify a processing format (the first format) of the license for the terminal device. The combination of Ganesan, Nakahara, and Sugahara fails to disclose the above features, as recited in claim 24.

Nakahara is explicitly relied upon in the rejection as disclosing the use of format specification information as used in claim 24. Nakahara is discussed in detail in the amendment filed on December 14, 2009. In addition to the above mentioned discussion, Nakahara discloses that by referring to the format data Dfm1, Dfm2, the central processing section 12 converts the license information Dlc1 into the license information Dlc2 (step S49) (see paragraph 139). However, in Nakahara the first and second servers 21, 31 generate the first and second license information Dlc1, Dlc2 and store the first and second format data Dfm1, Dfm2, representing the formats of the generated first and second license information Dlc1, Dlc2, without adding the first and second format data Dfm1, Dfm2 to the first and second license information Dlc1, Dlc2.

Thus, in Nakahara the format specification information is not added to the second license Dlc2 so that the second license Dlc2 having a second format Dfm2 can be converted to the first format Dfm1 at the terminal. Therefore, Nakahara does not disclose or suggest (i) a license management server including a specification information receiving unit operable to receive an input of format specification information that is an instruction for converting a format of a second license to the first format and a specification information sending unit operable to send the received format specification information to the relay server; (ii) a relay server including a second license generation unit operable to generate, in a second format, a second license, and further operable to add, to the generated second license, the format specification information

received by the license management server; and (iii) a terminal including a format conversion unit operable to obtain the second license from the relay server and further operable to convert the format of the second license into the first format, according to the format specification information added to the second license, as recited in claim 24. Ganesan also fails to disclose or suggest the above features as recited in claim 24.

Ganesan is relied upon in the rejection as disclosing a general method for managing a license. Specifically, Ganesan discloses license information that includes a usage right concerning content and a condition for determining whether or not to permit execution of an event related to the content (e.g., copying, moving, playing, or reproducing). The condition included in an event code in the license is evaluated in response to a request from an application of the terminal device. The execution of the event is either permitted or denied depending on the evaluation. However, it is apparent that Ganesan fails to disclose or suggest the features lacking from Nakahara discussed above with regard to independent claim 24. Accordingly, no obvious combination of Nakahara and Ganesan would result in, or otherwise render obvious under 35 U.S.C. § 103(a), the features recited in claim 24. Sugahara also fails to disclose or suggest the above features as recited in claim 24.

Sugahara is relied upon in the rejection as disclosing an apparatus for embedding a watermark into contents data including a parameter converting device for converting a parameter of first contents data to generate second contents data (see abstract). However, it is apparent that Sugahara fails to disclose or suggest the features lacking from the combination of Ganesan and Nakahara discussed above with regard to independent claim 24. Accordingly, no obvious combination of Ganesan, Nakahara, and Sugahara would result in, or otherwise render obvious under 35 U.S.C. § 103(a), the features recited in claim 24. Therefore, claim 24 is patentable over the combination of Ganesan, Nakahara, and Sugahara.

Claims 29, 32, 34, and 35 also include recitations directed to (i) receiving an input of format specification information, (ii) generating a second license in a second format and adding, to the second license, format specification information, and (iii) converting the format of the second license into the first format, according to the format specification information. As discussed above, the combination of Ganesan, Nakahara, and Sugahara fails to disclose or suggest the above features of claims 29, 32, 34, and 35. For at least this reason, claims 29, 32, 34, and 35 are patentable over the combination of Ganesan, Nakahara, and Sugahara.

Claims 25-28 are either directly or indirectly dependent on independent claim 24. Claims 30-31 are either directly or indirectly dependent on independent claim 29. Claim 33 is dependent on independent claim 32. As a result, claims 24-25 are allowable over the combination of Ganesan, Nakahara, and Sugahara.

Because of the above-mentioned distinctions, it is believed clear that claims 24-35 are allowable over the references relied upon in the rejection. Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time of the invention would not have been motivated to make any combination of the references of record in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 24-35. Therefore, it is submitted that claims 24-35 are clearly allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The examiner is invited to contact the undersigned by telephone if it is felt that there are more issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

Satoshi NIWANO et al.

/Allen N. Doyel/

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Allen N. Doyel  
Registration No. 60,391  
Attorney for Applicants

AND/JRF/ats  
Washington, D.C. 20005-1503  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
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